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FROM David Loretto  
 DATE October 21, 2004  
 PAGES 20 (including cover)

VOICE NO. 212-408-2584  
 FAX NO. 212-259-2584  
 RETURN TO Teresa Melody

TO Office of Petitions, USPTO  
 FAX NO. 703 872 9306  
 VOICE NO.

### MESSAGE

Re: U.S. Patent Application Serial No. 09/975,114  
 For "ELECTRICAL CONNECTOR"  
Our File No.: A34642 - 070793.0139

Dear Sir:

Further to a telephone conversation earlier today with an attorney from your office, please find attached a copy of the Request for Reconsideration on Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that we originally mailed to the Office of Petitions on January 28, 2004, and a copy of a receipt postcard bearing the PTO date stamp "Feb. 2, 2004."

We look forward to receiving your decision on the attached matter.

Very truly yours,

David Loretto

### NY02:502000.1 Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP, by telephone at 212.408.2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

If you do not receive all pages, please call: 212.408.2500 for assistance.

In Re: Tomonari Ohsuik  
(Applicant) 09/975,114  
In Re: Petition\* 1/28/2004 (Serial No.)  
A34699  
(Title of Paper) 070793,0139  
(Date) (File No.)  
The stamp of the Patent Office Mail Room hereon acknowledges the  
receipt of the above-identified papers on the date indicated by such stamp.

\*Enclos. Transmittal Form;  
Fee Transmittal;  
Copy of Office Action dated January 28, 2004;  
Return Postcard.



Attorney Docket No. A34699 070793.0139  
Serial No. 09/975,114

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari

Serial No. : 09/975,114

Examiner : Nguyen, Khiem M.

Filed : October 11, 2001

Group Art Unit: 2839

For : ELECTRICAL CONNECTOR

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OCT 21 2004

**REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

Date of Deposit

Eric J. Faragi

Agent Name

Eric J. Faragi

Signature

51,259

PTO Reg. No.

January 28, 2004

Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

→

Attorney Docket No. A34699 070793.0139  
Serial No. 09/975,114

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.

Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Attorney Docket No. A34699 070793.0139  
Serial No. 09/975,114

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,  
BAKER BOTTS L.L.P.

By:

Eric Faragi  
Paul A. Ragusa  
Patent Office Reg. No. 38,587  
*Attorneys for Applicants*

Eric J. Faragi  
Patent Office Reg. No. 51,259  
*Agent for Applicants*

30 Rockefeller Plaza  
New York, NY 10012-4498  
212-408-2500

**BAKER BOTTS LLP**Please type a plus sign (+) inside this box → **[+]**

## TRANSMITTAL FORM

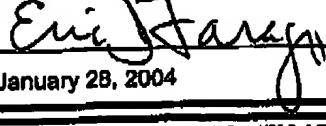
(to be used for all correspondence after initial filing)

		Application Number	09/975,114
		Filing Date	October 11, 2001
		First Named Inventor	Tomonari Ohtsuki
		Group Art Unit	2839
		Examiner Name	Nguyen, Khlem M.
Total Number of Pages in This Submission		Attorney Docket Number	A34699 070793.0139

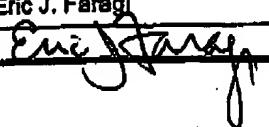
**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks <input checked="" type="checkbox"/> 1. Copy of Office Action dated January 28, 2004; 2. Transmittal Form; 3. Fee Transmittal Form; 4. Return receipt postcard.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	 Eric J. Faragi
Date	January 28, 2004

Att Name: Eric J. Faragi  
PTO Reg: 51,259**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **January 28, 2004**

Typed or printed name	Eric J. Faragi
Signature	 Eric J. Faragi
Date	January 28, 2004

BAKER BOTTS LLP

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 0)

## Complete If Known

Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34699 070793.0139

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **02-4377**Deposit Account Name **Baker Botts LLP** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

 Check     Credit card     Money Order     Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee (\\$)	Small Entity Fee (\\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for ex parte reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
400	200	Extension for reply within second month	
920	460	Extension for reply within third month	
1,440	720	Extension for reply within fourth month	
1,980	880	Extension for reply within fifth month	
320	160	Notice of Appeal	
320	160	Filing a brief in support of an appeal	
280	140	Request for oral hearing	
1,610	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,280	640	Petition to revive - unintentional	
1,280	640	Utility issue fee (or reissue)	
460	280	Design issue fee	
620	310	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
740	370	Filing a submission after final rejection (37 CFR § 1.128(b))	
740	370	For each additional invention to be examined (37 CFR § 1.128(b))	
740	370	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

## SUBMITTED BY

Name (Print/Type)	Eric J. Faragi	Registration No. (Item/Class)	51,269	Telephone	212.408.2591
Signature	<i>Eric J. Faragi</i>			Date	January 28, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**BAKER BOTTS LLP**

Attorney Docket Number: A34899 070793.0139

Title: ELECTRICAL CONNECTOR

Use Space Below for Additional Information:

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Attn: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,114	10/11/2001	Tomonari Ohfuki	A34699	8767

21003 7590 08/27/2003

**BAKER & BOTTS**  
**30 ROCKEFELLER PLAZA**  
**NEW YORK, NY 10112**

[REDACTED] EXAMINER

NGUYEN, KHIEM M

ART UNIT	PAPER NUMBER
2839	

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BAKER BOTTS L.L.P.  
 03 AUG 2004 AM 9: 50

TO

<i>[Signature]</i>	
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UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/995,114	10/11/01	OHTSUKI	

EXAMINER

ART UNIT

PAPER NUMBER

5

DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper reply to the Office letter mailed on 12/18/02.
- A reply (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.)
- No reply has been received.
- Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-35).
- The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
 The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
- The issue fee and publication fee, if applicable, has not been received.
- Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
- No proposed new formal drawings have been received.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

KHIEM NGUYEN  
 PRIMARY EXAMINER

\*U.S. GPO: 2000-472-0004-3203

Monday, September 08, 2003

### Call Up Report

Page 1

From: 18-Mar-2003 To: 19-Mar-2003

CALLUPS FOR RAGUSA, P.A.  
EXTENSION 2388

Case Number

35588

Atty(s) Inventor(s)	Action Due	Date Due	R&I Code	Type
US	IDS, IF ANY, DUE IDS, IF ANY, DUE	19-Mar-2003	BARKER, BRETTELL	PAT
	Due Date			

Information Disclosure Stmt	19-Mar-2003	BARKER, BRETTELL	PAT
Information Disclosure Stmt			
Due Date			

Monday, September 06, 2005

## Call Up Report

Page: 1

From: 18-Jun-2003 To: 19-Jun-2003

CALLUPS FOR RAGUSA, P.A.

EXTENSION 2588

Case Number  
31816-1Atty(s) Inventor(s)  
HYT LURVIET ALAction Due  
Foreign FilingDate Due  
18-Jun-2003Bill Code  
RESEARCHType  
FOUNDATION OFPAT  
SUNYForeign Filing  
Foreign Filing 6 mon reminder  
Due DateForeign Filing  
18-Jun-2003  
RESEARCH

FOUNDATION OF

PAT  
SUNY

Oct 21 2004 15:27

HYT LURVIET AL.

Foreign Filing

18-Jun-2003

RESEARCH

PAT  
SUNY

31816-II US HYT LURVIET AL.

Foreign Filing

18-Jun-2003

RESEARCH

PAT  
SUNY31816-IV US HYT LURVIET AL.  
Foreign Filing  
Foreign Filing 6 mon reminder  
Due DateForeign Filing  
18-Jun-2003  
RESEARCH

FOUNDATION OF

PAT  
SUNY

Monday, September 08, 2003

## Call Up Report

Page: 2

From: 18-Jun-2003 To: 19-Jun-2003

## CALLUPS FOR RAGUSA, P.A.

## EXTENSION 2588

Case Number	Atty(s) Inventor(s)	Action Due	Date Due	Bill Code	Type
31816-X	US HYT LURKIN ET AL	Foreign Filing Foreign Filing 6 mon reminder Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT

Oct 21 2004 15:27

31470-PCT-USA	US HYT KAO, ET AL	US-3 MONTH OA 3 MON DUE DATE Due Date	18-Jun-2003	RESEARCH FOUNDATION OF SUNY	PAT
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35532-A	US ANOSSI ET AL	US-MESS PRT - 2 FINAL DEADLINE Final	18-Jun-2003	BARKER, BRETTELL	PAT
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RESPONSE MAILED 3/17/03 CM